

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

LOUIS PETRONE,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner,
Social Security Commission,

Defendant.

No. 1:11-cv-484-CL

ORDER

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed Findings and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree with Magistrate Judge Clarke that the ALJ erred by finding that plaintiff was performing substantial gainful activity from January 2007 through July 2008. I ADOPT the Findings and Recommendation.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#21) is adopted. The decision of the Commissioner is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the Findings and Recommendation.

IT IS SO ORDERED.

DATED this 20 day of November, 2012.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER
U.S. DISTRICT JUDGE